

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Bravo Payments Systems, Inc.,

Plaintiff,

v.

Case No. 09-11232

Jill Hindes, Hugh Hindes, Steve Malin,
and Maria Malin,

Honorable Sean F. Cox

Defendants.

EX PARTE TEMPORARY RESTRAINING ORDER
AND NOTICE OF STATUS CONFERENCE AND MOTION HEARING

Plaintiff Bravo Payments Systems, Inc. ("BPS") has filed a Verified Complaint and a motion seeking an ex parte temporary restraining order and a preliminary injunction. After reviewing the Verified Complaint and the motion, the Court concludes that the Verified Complaint shows that immediate and irreparable injury, loss, or damage will result to BPS before Defendants can be heard in opposition to BPS's motion.

IT IS ORDERED that Defendants **JILL HINDES, HUGH HINDES, STEVE MALIN,** and **MARIA MALIN** are **RESTRAINED** from:

- a. having any interest in or being associated with (whether as a shareholder, partner, member, associate, owner, employee, consultant, agent or otherwise) any corporation, partnership, limited liability company, association, trust, firm or other enterprise which competes with BPS in the same business for a period of one (1) year;
- b. from directly or indirectly soliciting or servicing BPS customers or identifiable prospects for a period of two (2) years from the date of this Court's Order, as specifically set forth in the parties' Referral Agreement;
- c. from using or disclosing at any time in the future BPS's confidential business information, trade secrets, proprietary information or property;
- d. from interfering, in any way, with any current merchant or prospective client relationship

of BPS; and

- e. from breaching any fiduciary obligation, including, but not limited to, using or disclosing BPS's confidential and proprietary information, appropriating any business opportunity of BPS, and engaging in deceptive acts or statements with regard to BPS's abilities, experiences, and/or personnel, to gain an unfair advantage in the merchant services industry.

This Order was issued at approximately 5:00 p.m. on April 2, 2009. This Order shall remain in effect until the Court rules on the pending Motion for Preliminary Injunction.

IT IS FURTHER ORDERED that the parties shall appear for a **STATUS CONFERENCE** in this matter on **April 9, 2009 at 10:00 a.m.** Parties and client representatives are required to add the Status Conference in person, along with counsel.

IT IS SO ORDERED.

Dated: April 2, 2009

S/ Sean F. Cox
Sean F. Cox
United States District Court Judge

PROOF OF SERVICE

The undersigned certifies that the foregoing order was served upon counsel of record via the Court's ECF System and/or U. S. Mail on April 2, 2009.

s/Jennifer Hernandez
Case Manager to
District Judge Sean F. Cox